

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred House Bill 1425, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, between lines 1 and 2, begin a new paragraph and insert:
- 2 "SECTION 2. IC 9-13-2-179 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 179. "Towing service"
- 4 means a ~~business~~ **person** that engages in moving or removing
- 5 **abandoned or** disabled vehicles and, once **the vehicles are moved or**
- 6 removed, stores or impounds **the** vehicles."
- 7 Page 2, line 18, after "4." insert "**(a)**".
- 8 Page 2, line 18, after "chapter" insert ", **subsection (b)**".
- 9 Page 2, between lines 34 and 35, begin a new paragraph and insert:
- 10 "**(b) Notwithstanding section 3 of this chapter, subsection (a),**
- 11 **and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer**
- 12 **and tractor described in section 1 of this chapter may be operated**
- 13 **intrastate for the transportation of tomatoes or silage to the first**
- 14 **point of processing for a period of not more than one (1)**
- 15 **seventy-one (71) day period in a registration year established by**
- 16 **IC 9-18-2-7. Before a vehicle may be operated as provided in this**

subsection, the owner shall pay to the bureau:

(1) the license fee due under IC 9-29-5-13(b); and

(2) seventeen percent (17%) of the license fee paid under IC 9-29-5-13(b);

for the farm truck, farm trailer, or farm semitrailer and tractor. The bureau shall adopt rules under IC 4-22-2 to authorize the operation of a farm truck, farm trailer, or farm semitrailer and tractor in the manner provided in this subsection."

Page 3, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 6. IC 9-22-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. The release must state the name, signature, and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and date of release. A towing operator service shall notify the bureau of all releases under section 8 of this chapter.

SECTION 7. IC 9-22-1-16, AS AMENDED BY P.L.104-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) If after seventy-two (72) hours the person who owns a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, has not removed the vehicle from the private property, the person who owns or controls the private property may have the vehicle towed from the private property. The towing operator shall do the following:

(1) Contact the bureau to obtain the name and address of the person who owns the vehicle:

(2) Send, by certified mail, a copy of the information contained in the notice required under section 15 of this chapter to the person who owns the vehicle. The notice required by this subdivision must be mailed to the person who owns the vehicle according to the records of the bureau not later than five (5) business days after receipt of the information in subdivision (1) from the bureau.

(b) Notwithstanding subsection (a), in an emergency situation a vehicle may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

SECTION 8. IC 9-22-1-17 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. A towing ~~operator~~
 2 ~~who service that~~ tows a vehicle under section 16 of this chapter shall
 3 give notice to the public agency and bureau that the abandoned vehicle
 4 is in the possession of the towing ~~operator: service.~~

5 SECTION 9. IC 9-22-1-19, AS AMENDED BY P.L.104-2005,
 6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2007]: Sec. 19. (a) Within seventy-two (72) hours after
 8 removal of an abandoned vehicle to a storage yard or towing service
 9 under section 13, 14, or 16 of this chapter, the public agency or towing
 10 ~~operator service~~ shall **do the following:**

11 (1) Prepare and forward to the bureau an abandoned vehicle
 12 report containing a description of the vehicle, including the
 13 following information concerning the vehicle:

14 ~~(1)~~ (A) The make.

15 ~~(2)~~ (B) The model.

16 ~~(3)~~ (C) The identification number.

17 ~~(4)~~ (D) The number of the license plate.

18 (2) **Contact the bureau or conduct a search of national data**
 19 **bases, including a data base of vehicle identification numbers,**
 20 **to attempt to obtain the name and address of the person who**
 21 **owns or holds a lien on the vehicle.**

22 (b) The public agency or towing ~~operator service~~ shall request that
 23 the bureau advise the public agency or towing ~~operator service~~ of the
 24 name and most recent address of the person who owns or holds a lien
 25 on the vehicle.

26 (c) Notwithstanding section 4 of this chapter, if the public agency
 27 or towing ~~operator service~~ fails to notify the bureau of the removal of
 28 an abandoned vehicle within seventy-two (72) hours after the vehicle
 29 is removed as required by subsection (a), the public agency or towing
 30 ~~operator: service:~~

31 (1) may not initially collect more in reimbursement for the costs
 32 of storing the vehicle than the cost incurred for storage for
 33 seventy-two (72) hours; and

34 (2) **subject to subsection (d),** may collect further reimbursement
 35 under this chapter only for additional storage costs incurred after
 36 notifying the bureau of the removal of the abandoned vehicle.

37 **(d) If the public agency or towing service obtains the name and**
 38 **address of the person who owns or holds a lien on the abandoned**

vehicle under subsection (a)(2), within seventy-two (72) hours after obtaining the name and address, the public agency or towing service shall, by certified mail, notify the person who owns or holds a lien on the vehicle of the:

- (1) name;
- (2) address; and
- (3) telephone number;

of the public agency or towing service. Notwithstanding section 4 of this chapter and subsection (c)(2), a public agency or towing service that fails to notify a person who owns or holds a lien on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained under subsection (a)(2).

(e) A towing service may not collect reimbursement under both subsections (c) and (d) for storage costs incurred during a particular period for one (1) vehicle."

Page 3, line 10, strike "subsection" and insert "subsections".

Page 3, line 10, after "(d)" delete "," and insert "and (e),".

Page 3, line 34, strike "IC 9-21-21-4." and insert "IC 9-21-21-4(a).".

Page 3, between lines 39 and 40, begin a new paragraph and insert:

"(e) Notwithstanding subsections (b) and (d) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period that consists of not more than one (1) seventy-one (71) day period in a registration year as provided by IC 9-21-21-4(b). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

- (1) any license fee due under section 13(b) of this chapter; and

1 **(2) seventeen percent (17%) of the license fee paid under**
2 **section 13(b) of this chapter."**

3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1425 as introduced.)

and when so amended that said bill do pass.

Representative Austin